United Nations S/2010/401

Security Council

Distr.: General
29 July 2010

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. The present report covers the activities of UNMIK, and developments related thereto, from 16 March to 15 July 2010.

II. Political situation and Mission priorities

2. The goal of the Mission remains the promotion of security, stability and respect for human rights in Kosovo through engagement with all communities in Kosovo, with the leadership in Pristina and Belgrade, and with regional and international actors. The United Nations funds and programmes, the Organization for Security and Cooperation in Europe (OSCE) and the European Union Rule of Law Mission (EULEX) have continued to play important roles within the framework of Security Council resolution 1244 (1999).

3. In line with the Security Council presidential statement of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692), EULEX has continued to operate under the overall authority and within the status-neutral framework of the United Nations. UNMIK, EULEX and the Kosovo Force (KFOR) regularly exchange information and coordinate effectively at the operational and strategic levels. As per established practice, the quarterly report on EULEX activities, submitted by the High Representative of the European Union for Foreign Affairs and Security Policy, is contained in annex I to the present report.

4. The strongest comparative advantage of the United Nations in Kosovo continues to be its acceptance among all the communities in Kosovo. Capitalizing on this asset, UNMIK and the United Nations team in Kosovo have been developing a joint United Nations strategic framework for Kosovo that identifies common priorities to be addressed in order to maximize the impact of the overall United Nations efforts in Kosovo.

10-46408 (E) 300710

Please recycle

5. Since my last report to the Security Council (S/2010/169), dated 6 April 2010, four additional States have recognized Kosovo, bringing the total to 69.

6. On 31 March, Prime Minister Hashim Thaçi announced changes in the composition of the Cabinet, with the replacement of six ministers — three from each of the two governing coalition parties, the Democratic League of Kosovo (LDK) and the Democratic Party of Kosovo (PDK). In April, a PDK minister was appointed to the newly created Kosovo Ministry of European Integration. There was a further reshuffle in June, when five deputy ministers were replaced and five were appointed to newly created positions. The reshuffle, which the Prime Minister announced was intended to increase efficiency, left the balance between the coalition parties essentially unaltered.

7. The Kosovo Serb-majority municipalities established following the November 2009 elections have set up their administrative structures; it is still early to assess their performance with respect to addressing their constituents' needs. On 30 March, the decentralized municipalities of Graçanicë/Gračanica, Kllokot-Vërboc/Klokot-Vrbovac, Ranillug/Ranilug, and the expanded Novobërdë/Novo Brdo municipality signed a memorandum of understanding with their parent municipalities on the handover of cadastral and civil registry records; the handover of records has begun in Graçanicë/Gračanica and Ranillug/Ranilug. All the decentralized municipalities except for Graçanicë/Gračanica, where no deputy has yet been appointed, have appointed Kosovo Albanian deputy mayors; in Novobërdë/Novo Brdo, where a Kosovo Albanian was elected as mayor, a Kosovo Serb was appointed as his deputy.

8. As part of the ongoing decentralization process, on 20 June, 2,292 voters, or 65.3 per cent of the registered voters, turned out for the mayoral and Municipal Assembly elections in the new, predominantly Kosovo Serb-inhabited municipality of Partesh/Parteš. No incidents were reported during those elections. Belgrade-organized elections were held in Novobërdë/Novo Brdo and northern Mitrovica on 30 May; the results indicate a 75 per cent and a 30.5 per cent turnout, respectively.

9. The Kosovo authorities voiced their strong opposition to the elections in northern Mitrovica, characterizing them as a "violation of the integrity and sovereignty of the Republic of Kosovo by the Government of Serbia". Similarly, the Serbian Government characterized the elections in Partesh/Parteš as a violation of resolution 1244 (1999). UNMIK continues to adhere to its policy of non-interference with elections that are not called by my Special Representative.

10. On 2 June, my Special Representative and Kosovo representatives attended the European Union-sponsored High-Level Meeting on the Western Balkans in Sarajevo. A Serbian delegation also attended. The European Union presidency issued a final statement reiterating its commitment to the European perspective of the western Balkan countries.

11. On 24 June, I sent a letter to the High Representative of the European Union for Foreign Affairs and Security Policy, suggesting that we explore how best to address the remaining challenges related to Kosovo, following the issuance of the advisory opinion by the International Court of Justice on the question "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?". In my letter, I proposed that the United Nations and the European Union, which has a vital role in promoting a dialogue aimed at addressing issues of common concern between

Belgrade and Pristina, agree on a coordinated approach. In her response, dated 8 July, the High Representative indicated that the European Union would like to offer its assistance to both Belgrade and Pristina to help them continue in their paths towards Europe and that it will coordinate efforts with my Special Representative and with my Representative in Belgrade following the delivery of the advisory opinion by the International Court of Justice.

III. Engagement with Pristina and Belgrade and practical arrangements

12. Relations between UNMIK and the Kosovo authorities continue to be courteous, if at arm's length. UNMIK staff maintain frequent contacts with their Kosovo counterparts at the working level and my Special Representative occasionally has meetings at the senior level. With regard to Serbia, my Special Representative has met with the Minister for Foreign Affairs and my Representative in Belgrade maintained regular contacts with the Serbian authorities.

13. With UNMIK facilitation, Belgrade and Pristina continue to cooperate on missing persons' issues through the Working Group on Missing Persons, chaired by the International Committee of the Red Cross (ICRC), and on religious and cultural heritage issues through the Reconstruction Implementation Commission for the Serbian Orthodox religious heritage sites in Kosovo. The European Union facilitator for the protection of the religious and cultural heritage of the Serbian Orthodox Church in Kosovo has begun his important work, and I would urge all stakeholders to extend to him their full cooperation, as has UNMIK.

14. The problem of missing persons remains a major challenge to the process of reconciliation between the communities. ICRC has estimated that, as at 27 April 2010, 1,862 individuals were still missing across Kosovo. During the reporting period, two sessions of the Working Group on Missing Persons were held in Pristina. At the first of these, on 8 April, representatives of Kosovo Albanian and Kosovo Serb families expressed dissatisfaction with the progress made to date and demanded that the issue be de-politicized. In this regard, the cooperation between Serbia's war crimes prosecutor's office, EULEX and the Pristina-Belgrade Working Group on Missing Persons in the identification of possible mass gravesites in southern Serbia should be welcomed. On 29 April, the Kosovo representatives on the Working Group on Missing Persons participated in the inspection of a potential gravesite in the municipality of Medvedja in Serbia. UNMIK facilitated the participation and accompanied the Kosovo representatives to the site visit.

15. Regrettably, practical cooperation between Belgrade and Pristina has yet to materialize in other areas. Continuing efforts by EULEX to re-establish a fully functioning multi-ethnic court located in the northern part of Mitrovica and fully fledged customs controls at gates 1 and 31 have not resulted in significant progress during the reporting period.

IV. Northern Kosovo

16. The situation in northern Kosovo remained politically delicate; the end of the reporting period, in particular, was marked by two episodes that increased tensions.

On 2 July, the Kosovo authorities inaugurated a civil service centre in Bosniak Mahala, an ethnically mixed area in northern Mitrovica. UNMIK was not consulted on the opening of the centre, which was considered by the Kosovo Serb community to be part of the efforts of the Kosovo authorities to establish their institutions in the north. Some 1,500 Kosovo Serbs converged to protest the official opening of the centre. Twelve people were injured by an unidentified explosive device, including 11 Kosovo Serb protesters and a Kosovo Bosniak pediatrician who died as a result of his injuries. After a plaque bearing the inscription "Republic of Kosovo" was removed from the facade of the centre, the situation calmed down and the crowd dispersed. Since then, the civil service centre has remained open.

17. While both Pristina and Belgrade strongly condemned the incident and called for the arrest of the perpetrators, each side claimed that the other is responsible for provoking the incident. My Special Representative expressed deep concern over the violence that occurred and offered condolences to the family of the victim. He also called on all sides to refrain from provocative statements, to remain calm and to commit to dialogue as a necessary process to address the challenges faced in northern Kosovo. At Serbia's request, the Council met on 6 July to discuss this incident.

18. On 5 July, a member of the Assembly of Kosovo belonging to the Serb community, Petar Miletić, was shot at by unknown perpetrators in front of his house in northern Mitrovica. He sustained flesh wounds in both legs. The criminal cases are being investigated jointly by the Kosovo Police and EULEX.

19. Careful handling of the reconstruction and returns activities in the inter-ethnic Kroi i Vitakut/Brdjani neighbourhood has so far resulted in a peaceful building season. As of 15 July, Kosovo Albanians have completed 20 houses in Kroi i Vitakut/Brdjani, and are reconstructing 14 more, 4 of which are located in the adjoining area that falls within the boundaries of Zvečan municipality. Twenty Kosovo Albanian families with 143 family members returned to their homes. The construction by Kosovo Serbs of five new buildings is reaching completion. UNMIK has continued to facilitate meetings with both communities in order to solve problems faced by residents with regard to electricity and water supply, the construction of sewage systems and roads.

20. Since October 2009, the Electric Power Industry of Serbia has remained the only electricity provider for the northern municipalities and has begun to effect disconnections of non-paying customers. At present, it is not charging the Kosovo Albanian community in the north for the electricity consumed.

V. Security

21. The overall security situation in Kosovo remained relatively calm, but incidents persisted. Compared to the last reporting period, the number of security incidents decreased. The most notable were incidents related to the spontaneous return of 23 Kosovo Serbs to the village Zallq/Žac, in Istog/Istok municipality. Responses by the Pristina authorities and local-level institutions and the Kosovo police following these incidents improved over time and outreach visits to those affected became more frequent, but the receiving community remains worryingly hostile [see sect. VII on returns].

22. On 24 March, about 50 Kosovo Serbs protested against EULEX customs operations at gate 1. On 26 March, a Kosovo Serb off-duty police officer and his wife were assaulted by four Kosovo Albanian males. In the course of April and May, five explosions occurred in northern Kosovo that caused material damage to a police station, homes, vehicles and Kosovo mobile telephone network repeater installations. On 14 May and 10 June, stones were thrown at a bus providing a humanitarian transportation service for Kosovo Albanians from villages north of the Ibër/Ibar river.

23. The day of the 30 May elections in northern Mitrovica was marked by confrontations between Kosovo Serbs and Kosovo Albanians. Under the leadership of the Kosovo Liberation Army war veterans' organization, some 2,000 Kosovo Albanians gathered in southern Mitrovica to protest the elections. Almost simultaneously, some 1,000 Kosovo Serbs gathered on the north side of the main bridge. Prompt reaction by security forces, including the Kosovo Police, EULEX and KFOR, prevented clashes between the two groups. However, stones were thrown by both sides and two Kosovo Police officers sustained minor injuries, before the protesters dispersed peacefully.

24. On 9 June, in an ethnically mixed neighbourhood of northern Mitrovica, a group of Kosovo Albanian teenagers was attacked by several Kosovo Serb youths. UNMIK facilitated a meeting between Kosovo Serb and Kosovo Albanian community leaders to discuss the situation. Although all participants condemned the incident and appealed to residents to refrain from such actions, on 10 June three Kosovo Serbs were physically assaulted by a group of Kosovo Albanians near the northern bank of the Ibër/Ibar. Since then there have been increased patrols by the Kosovo Police, EULEX and KFOR, and no further noteworthy incidents have been reported.

25. Security incidents affecting Kosovo Serbs and other non-Albanian ethnic communities have also taken place in other areas of Kosovo. In Novobërdë/Novo Brdo, a Kosovo Serb was assaulted on 15 March, allegedly by a group of Kosovo Albanian men. In western Kosovo, two Kosovo Albanians threw stones at a humanitarian bus transportation service for Kosovo Serbs. A group of Kosovo Albanian men were arrested for assaulting a Kosovo Bosniak man in Gjakovë/Djakovica on 15 May. In Prishtinë/Priština region, an Ashkali woman was wounded on 7 March, when a bullet was fired into her house. According to a community representative, a few weeks before the incident the woman's family had received a threatening letter asking them to abandon their property.

26. On 28 June, some 1,500 Serbs gathered in Gazimestan, southeast of Fushë Kosovë/Kosovo Polje, to celebrate Saint Vitus' Day, or Vidovdan. Metropolitan Amfilohije, the temporary administrator of the Serbian Orthodox Raška-Prizren Diocese, addressed the audience calling for peace and justice in Kosovo and appealing to the Kosovo authorities to make decisions that are acceptable to all. Participants in the commemoration ceremony burned a United States flag, chanted anti-United States and anti-European Union slogans and sang anti-Albanian songs containing hate speech. Security for the event was provided by some 500 Kosovo Police officers. Following the celebrations, unknown persons pelted with stones four Serbian motorcyclists and a convoy of Serbs escorted by the Kosovo Police returning to northern Mitrovica.

VI. Rule of Law

27. UNMIK continues to exercise certain responsibilities in the area of rule of law, and cooperation at the technical level with the Kosovo Ministries of Justice and Internal Affairs, as well as with the Serbia Ministry of Justice, continues to be good.

28. While UNMIK is willing to facilitate communication between the Serbian authorities and non-recognizing States, and the Kosovo Ministry of Justice, the latter began dealing directly with mutual legal assistance requests and responses. Serbia, as well as Bosnia and Herzegovina and Romania, did not accept this practice. During the reporting period, the Serbia Ministry of Justice returned approximately 1,500 requests and responses to EULEX, while the Kosovo Ministry of Justice ceased acting on requests from the Serbia Ministry of Justice; EULEX is attempting to find a solution for mutual legal assistance between them. UNMIK continues to facilitate Kosovo's interaction with Interpol.

29. UNMIK continues to provide document certification services both to Kosovo residents and at the request of non-recognizing States. These services include primarily the certification of civil status, pension and academic documents.

30. The Mitrovica District Court still functions only partially, with EULEX judges and prosecutors operating out of the northern Mitrovica courthouse and dealing solely with criminal cases.

31. On 27 April and on several subsequent occasions, EULEX police conducted extensive searches in the Ministry of Transport and Telecommunications and in private residences of persons connected to the Ministry. EULEX issued a communiqué stating that the investigation was in connection with several tenders related to the construction of roads in Kosovo in the period 2007-2009.

VII. Returns

32. According to statistics of the United Nations High Commissioner for Refugees (UNHCR), some 523 displaced persons voluntarily returned to Kosovo during the reporting period, 268 of whom are Kosovo Serbs. At the same time, 756 individuals were forcibly returned to Kosovo, mainly from Western Europe, 594 of whom are majority community members and 162 of whom are persons belonging to minority communities.

33. A total of 15 "go-and-see" visits targeting 176 displaced persons were carried out, which included 10 "go-and-see" visits from Montenegro, four from Serbia, and one from the former Yugoslav Republic of Macedonia. UNHCR data also indicates that six "go-and-inform" visits for the benefit of 135 displaced persons also took place within the reporting period.

34. The returns process during this period was not without problems. Disturbances in Zallq/Žac, in Istog/Istok municipality, began after Kosovo Albanians in the receiving community refused to accept Kosovo Serb returnees and accused them of having committed war crimes during the conflict. That was followed by physical attacks and protests against the returnees. However, the majority of the returnees remained steadfast in their determination to stay on, even though four families eventually decided to leave.

35. The Kosovo authorities, including the Deputy Prime Minister and the Minister of Communities and Returns, responded by condemning the incidents. Initially slow in their response, the municipal authorities eventually assured the returnees of their support to reintegrate them into the municipality. 100,000 euros were allocated for the accommodation of the returnees, and the Kosovo Police and KFOR provided protection. Regrettably, this did not stop further attacks by stone-throwing youths and, most recently, the firing of automatic weapons against the tent of a returnee family, which fortunately did not result in any injuries. The situation calmed down somewhat when the Kosovo Police apprehended the alleged perpetrators of the incidents; however, their swift release led to consternation among the Zallq/Žac returnees and potential returnees. Meanwhile, the Ministry of Communities and Returns began the tendering process for the reconstruction of 23 houses in Zallq/Žac and 11 houses in Dragolevc/Dragolevac for the returnees.

36. In a related development, 17 houses were constructed for Kosovo Serb returnee families in Dollc/Dolac village, Klinë/Klina municipality, under the Return and Reintegration in Kosovo project, funded by the Ministry of Communities and Returns and international donors.

VIII. Cultural and religious heritage

37. UNMIK continued to facilitate the work of the Reconstruction Implementation Commission on the reconstruction of 34 Serbian patrimonial, cultural and religious heritage sites that were damaged or destroyed during the March 2004 violence. During the reporting period, the Reconstruction Implementation Commission held two meetings to review the status of the works at a number of Serbian Orthodox Churches. The works at the Church of Saint Nicholas in Prishtinë/Priština and the Parish house of the Church of Holy Virgin Ljeviška in Prizren were completed. The works at three other sites, the Church of Saint Elias in Vushtrri/Vučitrn, the Church of the Assumption of the Holy Virgin in Gjakovë/Đakovica, and the Church of Saint George in Prizren, are progressing well and are expected to be finalized by the end of the summer. While the Reconstruction Implementation Commission is expected to complete its work by the end of 2010, it cannot complete reconstruction of all the sites that were damaged in 2004 owing to insufficient funds.

38. UNMIK also continued to facilitate the activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Kosovo. During the reporting period, UNESCO and UNMIK signed a follow-up supplementary memorandum for a $163,000 donation from the Government of Albania for the reconstruction of the Catholic Church in Prizren. In June, restoration work began on the Holy Savior Church in Prizren, funded by the €150,000 contribution of the Government of Germany.

39. UNMIK continued to monitor the security arrangements provided for the Serbian Orthodox sites in coordination with EULEX, the Kosovo Ministry of Culture, Youth and Sports, and KFOR. KFOR continued guarding eight Serbian Orthodox Church sites. Responsibility for static security for the first non-religious site, the Gazimestan monument, built in 1953 to commemorate the battle against the Ottomans in 1389, was transferred from KFOR to the Kosovo Police on 18 March, following a decision by the North Atlantic Council. The Serbian Government voiced opposition to the transfer.

40. During the reporting period, several Serbian cultural and religious sites were vandalized, including the Church of Saint Elias in Vushtrri/Vučitrn and four Orthodox cemetery gravestones in Lipjan/Lipljan in March, as well as a previously damaged Orthodox gravestone in Fushë Kosovë/Kosovo Polje in June.

IX. Community issues

41. On 22 April, the foundations for the construction of 50 houses destined for the most endangered Roma families currently living in Česmin Lug and Osterode camps in northern Mitrovica were laid in the Roma Mahalla, on the southern bank of the Ibër/Ibar River. The construction, conducted as part of the Roma, Ashkali and Egyptian Economic, Social, Transition, Advocacy and Resettlement/Reintegration Programme of the United States Agency for International Development, was allocated $2.4 million for its completion.

42. On 14 May, the Assembly of Kosovo adopted a law on the civil service, which requires Kosovo institutions to set aside at least 10 per cent of civil service posts for employees from non-Albanian communities and municipalities to enable proportionate inclusion of non-majority communities in municipal administrations. On 27 April, a process to amend the Law on the Promotion and Protection of Rights of Communities and their Members was launched, aiming at the inclusion of Montenegrins among the communities protected in Kosovo.

43. On 22 April, the Kosovo Telecommunications Regulatory Authority disconnected, dismantled, seized or destroyed equipment at 26 telecommunications base stations belonging to service providers unlicensed by the Kosovo authorities. The action led to widespread disruption in the communication infrastructure in minority areas, including for emergency services, and obstructed the functioning of several Serbian media outlets licensed by the Independent Media Commission. In what appeared to be retributive action, three transmitters operated by service providers licensed by the Kosovo authorities, located in northern Kosovo, were attacked, including with explosives.

44. Although the Kosovo authorities took steps to lessen the impact of the disconnections on minority communities, and the network was partially restored with the use of technical means from Serbia, minority communities have continued to call for the full reconnection of the networks until a compromise is found to avoid further disruption of vital services, particularly in medical emergency cases. The June 18 deadline announced by the Telecommunications Regulatory Authority for the removal of unlicensed transmitters has been extended indefinitely, while efforts to resolve the issue continue.

X. Human rights

45. The agreements between UNMIK and the Council of Europe on technical arrangements relating to the Framework Convention for the Protection of National Minorities, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, continue to serve as the framework for the activities of the relevant monitoring mechanisms for these instruments. UNMIK is engaged in an ongoing dialogue with the Advisory Committee on the Framework

Convention for the Protection of National Minorities on issues relating to the protection of minority communities in Kosovo. From 6 to 15 June, in cooperation with EULEX, UNMIK facilitated the second monitoring visit to Kosovo of the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

46. On 27 May, the Assembly of Kosovo adopted the Kosovo Programme on Gender Equality for 2008-2013, which aims to promote women's integration into the economy, labour market, and decision-making processes, as well as women's education and representation in culture and media.

XI. External representation and regional cooperation

47. Regional cooperation, which is key to much-needed economic development, has continued to suffer setbacks owing to status-related considerations. However, while there are no standardized procedures for the participation of the Kosovo authorities in regional or international forums, UNMIK facilitation has, in most cases, allowed to reconcile the seemingly incompatible demands of the two sides, thus providing a concrete contribution to the development of regional cooperation initiatives.

48. Although the Kosovo authorities appear to believe that the UNMIK facilitation role is not in the interest of their declared sovereign status, UNMIK has had considerable success in facilitating Kosovo's participation in regional and international encounters. As long as resolution 1244 (1999) is in force, UNMIK will continue its facilitation role, where necessary and possible, in order to foster regional dialogue and cooperation.

49. During the reporting period UNMIK facilitated Kosovo's participation in three Central European Free Trade Agreement meetings; six Energy Community meetings; one negotiation meeting on the establishment of a Transport Community; one meeting of the South-East Europe Transport Observatory, seven meetings of the United Nations Economic Commission for Europe; four meetings of the Regional Cooperation Council; one meeting of the Organization for Economic Cooperation and Development Investment Compact for South-East Europe (SEE) Investment Committee; one Committee meeting of the Regional School for Public Administration (RESPA) Committee and one meeting of the European Aviation Safety Agency.

XII. Observations

50. The situation in Kosovo has remained relatively stable, although the potential for volatility and instability, especially in northern Kosovo, cannot be underestimated. As highlighted in my last report to the Security Council (S/2010/169), sensitive issues related to northern Kosovo can only be addressed peacefully and through continuing consultation and coordination between all relevant actors, taking into account the specific circumstances and concerns of all communities. I remain concerned over the recent violent events in northern Mitrovica, which clearly demonstrate that any other approach risks increasing instability and furthering the divide between communities, instead of bridging it. I

therefore urge the sides to exercise restraint and adopt a measured, constructive approach in order to avoid further escalations in northern Kosovo, especially following the issuance of the advisory opinion by the International Court of Justice on Kosovo's declaration of independence. I also count on the support of the Security Council in encouraging the sides to commit to dialogue and transparency before any strategies or policies are announced or implemented in the area.

51. The absence of significant progress in reconciliation between the communities, coupled with economic difficulties, continues to present a challenge and to foster the risk of unrest. I am deeply concerned about the continuing harassment of Kosovo Serb returnees in the village of Zallq/Žac, and that the overall numbers of returns remains disappointingly low. I am also concerned about the hate speech that marred the Vidovdan celebrations. These events bear witness to the continuing lack of reconciliation, and indicate that much more must be done to overcome the legacy of the past. In this regard, I would also like to call on all parties to devote additional resources to the important work of locating missing persons from the conflict in order to advance the process of reconciliation.

52. The reconstruction of the Serbian Orthodox sites damaged or destroyed during the violence in March 2004 also represents a significant step towards overcoming the past and rebuilding trust between communities. In this regard, it is regrettable that the Reconstruction Implementation Commission lacks the necessary funding to complete the reconstruction of all the destroyed Serbian Orthodox sites. I appeal to potential donors and to the Kosovo authorities to raise funds in order to enable the continuation of the work of the Reconstruction Implementation Commission and support the completion of the reconstruction process. In addition, I urge all stakeholders to extend their full cooperation to the European Union facilitator for the protection of the Serbian Orthodox Church's religious and cultural heritage in Kosovo, who has begun his important work.

53. It is my assessment that this period has not seen sufficient progress in addressing outstanding challenges related to Kosovo, in advancing regional cooperation, or in finding solutions to issues of common concern to communities, as well as to Pristina and Belgrade. It is also my assessment that the period following the issuance of the advisory opinion by the International Court of Justice on Kosovo's declaration of independence will provide for further opportunities in this regard. These opportunities can be best explored through a coherent and inclusive approach by the international actors engaged in Kosovo.

54. I have therefore written on 24 June, to the High Representative of the European Union for Foreign Affairs and Security Policy, stressing that, following the advisory opinion of the International Court of Justice, the United Nations stands ready to cooperate and coordinate closely with the European Union, which has a vital role in promoting a dialogue aimed at addressing issues of common concern between Belgrade and Pristina. I am pleased that the High Representative has agreed with my proposal and has expressed appreciation for the contribution of the United Nations in areas where we have unique knowledge and experience. In moving ahead, I look forward to fruitful cooperation with the European Union at all levels, given the positive results of our joint efforts in the region so far.

55. While the present report covers the period up to 15 July, the International Court of Justice delivered on 22 July its advisory opinion on the question "Is the unilateral declaration of independence by the Provisional Institutions of Self-

Government of Kosovo in accordance with international law?" The Court concluded that "the adoption of that declaration did not violate any applicable rule of international law". Following its delivery, I forwarded the advisory opinion to the General Assembly, which had requested the Court's advice and which will determine how to proceed on this matter. Furthermore, I have strongly encouraged the parties to engage in constructive dialogue and urged all sides to avoid any steps that could be seen as provocative and derail the dialogue.

56. I would like to conclude by expressing my gratitude to my Special Representative for continuing his excellent leadership of the Mission and his efforts to advance cooperation between all sides and help maintain security and stability in Kosovo and in the region. I would also like to commend the staff of UNMIK for their continued dedicated work and commitment to Kosovo and the goals of the United Nations.

57. Finally, I would like to extend my gratitude to the long-standing partners of the United Nations in Kosovo — the European Union, NATO and OSCE — as well as to the United Nations agencies, funds and programmes for their ongoing support and cooperation with UNMIK.

Annex I

Report of the High Representative of the European Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Rule of Law Mission in Kosovo

1. Executive summary

On 8 June 2010, the Council of the European Union adopted a decision extending the European Union Rule of Law Mission in Kosovo (EULEX) for a period of two years until 14 June 2012. This decision underlines the strong commitment of the European Union to Kosovo, to the rule of law in particular and to Kosovo's European perspective.

EULEX continued to work closely with the leading authorities in Kosovo, including the Prime Minister, and the relevant line ministries. Meetings of the Joint Rule of Law Coordination Board, co-chaired by the head of EULEX and the Deputy Prime Minister, continued to take place on a monthly basis, as a mechanism for discussion of a range of rule of law issues. Working groups coordinate the follow-up to the consultations of the Board. From 9 to 11 June, the recently established EULEX Human Rights Review Panel held its first regular session.

EULEX continued to undertake monitoring, mentoring and advising activities in the area of rule of law, and to implement its executive functions according to its mandate. The Mission worked with the Kosovo rule of law authorities on planning and implementation of targeted monitoring, mentoring and advising, focusing especially on management level capacity and methodology in the Kosovo police, justice and customs. The activities and results of monitoring, mentoring and advising actions from mid-2009 to 2010 were made public in June in the Programme Report 2010.

EULEX continued to work closely with UNMIK and with other European Union entities in Kosovo, in particular the European Union Special Representative for Kosovo and the European Commission Liaison Office in Kosovo, and to coordinate closely with KFOR.

EULEX continued its dialogue with the Serbian rule of law authorities. Senior staff of the three mission components maintained contacts and cooperation with Belgrade. EULEX cooperated with the Serbian authorities in a number of ongoing and potential war crimes cases.

Significant progress was made with trials and processing of cases, including those handed over by UNMIK. By July EULEX judges had completed the cases received from UNMIK at the Supreme Court and district court level. EULEX continued to hold hearings and trials in Mitrovicë/a District Court, while EULEX prosecutors and investigators focused their work on a number of organized crime and war crime cases. It has not yet been possible, however, to resume mixed panels in the District Court. The joint EULEX and Kosovo Office on Missing Persons and Forensics handed over the remains of 43 individuals to families and participated in working group sessions in Belgrade and Pristina. EULEX continued to support Kosovo Police preparations for the gradual assumption of responsibility for the

protection of cultural/historical sites, which started with the handing over of guarding the Gazimestan monument in March. As before, EULEX formed police units stood ready to act as second responder in case of disturbances. The situation, however, was on the whole stable, with the exception of one security incident in the north of Kosovo in July.

EULEX Customs continued scanning data on commercial traffic at gates 1 and 31 in northern Kosovo. The data is shared with the Kosovo Customs and the Serbian Customs Administration.

EULEX Head of Mission attended the Security Council meeting on 6 July and provided an assessment following the incidents in northern Mitrovicë/a on 2 and 5 July 2010.

2. Activities of the European Union Rule of Law Mission in Kosovo for the period from March to July 2010

General

On 6 July 2010 the EULEX Mission had 2,746 staff (1,633 international staff and 1,100 local staff). The Mission continued to implement its monitoring, mentoring and advising activities in the area of rule of law throughout Kosovo. It also implemented its executive mandate. EULEX continued its close cooperation with UNMIK, particularly on the exchange of information and issues in the north of Kosovo, and closely coordinated its activities with the other European Union actors in Kosovo and with other international stakeholders in Kosovo and in the region. EULEX continued cooperation with the rule of law authorities in Montenegro, Albania and the former Yugoslav Republic of Macedonia.

EULEX police, justice and customs components continued the implementation of targeted monitoring, mentoring and advising activities with the Kosovo rule of law authorities, focusing especially on management level capacity and methodology in the Kosovo police, justice and customs. Progress is not even, as it varies according to the capacity of the Kosovo Police, Kosovo Customs and the judiciary to drive the reforms needed. Overall progress and achievements are described in a programme report, published in early June 2010.

In the north of Kosovo, EULEX and other European Union actors continued to step up their visibility and outreach activities. On 26 March, a press point took place at EU House with EULEX Head of Mission, the European Union facilitator for the north of Kosovo, and the European Commission Liaison Office in Kosovo; a further outreach event was held on 23 June. They re-emphasized the commitment of the European Union to Kosovo, underlining that the increased presence in Mitrovicë/a north is aimed at promoting European values there, and to help improve inter-ethnic relations. A number of trials were held in Mitrovicë/a District Court; however, it has not yet been possible to resume mixed panels, owing to the continued lack of Kosovo Albanian and Kosovo Serb judges and prosecutors.

On 2 July, approximately 1,000 people gathered for a peaceful protest in response to the opening of an Office of the Kosovo ministries of local government and internal affairs in the ethnically mixed neighbourhood of Bosnjačka Mahalla/ Lagjia e Boshnjakëve in northern Mitrovicë/a. The demonstration was organized by representatives of the Kosovo Serb community. EULEX deployed formed police units in order to guarantee the right to peaceful demonstration, protect private

property and preserve public order. During the course of the demonstration, a hand grenade was thrown at a group of people in a parallel street, about 600 metres from the Office. The grenade injured 11 persons, and 1 of them (a Kosovo Bosniak) died later from his injuries. The Kosovo Police Major Crime Unit from Pristina has taken over the investigation, with close monitoring, mentoring and advising by EULEX. On 5 July, a Kosovo Serb member of the Kosovo Assembly was shot in the leg by a masked perpetrator. His injuries were not fatal. Both investigations are being actively monitored by EULEX.

EULEX continued to advise the Ministry of Internal Affairs, in particular on civil status, civil registration, and migration and asylum issues. EULEX has monitored closely the establishment of the new Civil Registration Agency. Integrating databases and modernizing the outdated civil status system remain challenges in Kosovo.

In early June EULEX and the Kosovo Ministry of Economy and Finance signed a technical arrangement on the eventual transitioning of the EULEX Financial Intelligence Centre to the future Financial Intelligence Unit.

The dialogue with Belgrade on police, justice and customs matters continued. EULEX prosecutors and investigators continued to meet Serbian counterparts in Belgrade on a monthly basis to discuss war crime cases and exchange information. Technical discussions between the EULEX Customs component and the Belgrade Customs authorities also continued. On 2 June the first regular meeting between the EULEX Border and Boundary Police with the Ministry of Internal Affairs of Serbia took place in Kuršumlija.

The EULEX human rights accountability mechanism — the Human Rights Review Panel — is now able to process allegations of human rights violations by EULEX in the conduct of its executive mandate. The Human Rights Review Panel held its first meeting on 4 May and its first formal session on 11 June.

War crimes

EULEX Police continued to work on the remaining 850 war crime cases taken over from UNMIK Police, as well as the 60 active prosecutorial cases, in cooperation with the Special Prosecution Office of Kosovo. By September 2010, they will have been prioritized for future investigative action. EULEX has made progress in several additional war crimes cases and has handed over two cases to the Kosovo Police for investigation. On 6 May in Pristina the EULEX War Crimes Investigation Unit and the Kosovo Police arrested a war crimes suspect in connection with war crimes allegedly committed between April and June 1999 and on 12 May searched the house of another suspect in Prizren.

EULEX coordinated the transfer of 11 witnesses to the Serbian War Crimes Prosecution Office in Belgrade to testify in the Qyshkë/Ćuška massacre case, in which nine suspects were arrested in Serbia. The location of a potential mass grave site in Rudnice Quarry, Raška, just north of gate 1, was confirmed, with EULEX assistance. The Serbian War Crimes Prosecutor applied for an order for exhumation at the site, and, on 25 June, a team of EULEX/Office on Missing Persons and Forensics forensic experts were given permission to undertake an initial site evaluation of the alleged mass grave site at Raška. The EULEX/Office on Missing Persons and Forensics specialists were accompanied by a Serbian judge and the Serbian Police.

Police

EULEX continued to provide monitoring, mentoring and advice to the Kosovo Police. On 28 May the new structure of the Kosovo Police was approved by the Minister of Internal Affairs. The creation of a new Kosovo Police structure is a positive development. EULEX, in cooperation with the Kosovo Police, completed a Kosovo-wide assessment of 18 cultural heritage sites under Kosovo Police responsibility.

On 18 March KFOR officially handed over responsibility for security of the Gazimestan monument near Pristina to Kosovo Police. EULEX monitored the Kosovo Police team at the site twenty-four hours a day, seven days a week, for an initial period of one week and stood ready to react as second responder.

EULEX closely monitored cross-border cooperation between Kosovo and the former Yugoslav Republic of Macedonia following several cases of seizures of weapons and shootings in the proximity of the former Yugoslav Republic of Macedonia border.

The Kosovo Police reviewed their operational plans for civil emergencies, developed training at the police station level and continued to coordinate planning with other local agencies. The municipalities have not yet completed their local security assessments. All these efforts in the civil emergency field have been enhanced at the request of EULEX. There is still scope for improvement in coordination between the Ministry of Internal Affairs and the Kosovo Police in the civil emergency field, and a shortage of funds earmarked for emergency services, including in the Kosovo Police. The Kosovo Police is making progress in intelligence-led policing.

EULEX formed police units stood by on several occasions in case they needed to act as second responders, including during protests on 30 May and 2 July in north Mitrovicë/a and the Saint Vitus' Day, or Vidovdan, celebrations on 28 June. There was no need for intervention in any of the cases.

Using their executive mandate, the EULEX Police continued investigations into a number of cases. On 28 April 2010, the EULEX Police Executive Department carried out searches in the Ministry of Transport and Telecommunications and in private residences of persons connected with the Ministry, as part of an investigation led by the Special Prosecution Office of Kosovo. The investigations continue.

On 27 May the Kosovo Police Organized Crime Unit, under the lead of a EULEX prosecutor from the Special Prosecution Office of Kosovo, arrested two men in the Prizren region in connection with a major investigation into drug trafficking. Simultaneously, the Albanian police arrested a man in the Kukes area of Albania. The Kosovo Police carried out a number of searches and seized material, including several weapons and large amounts of cash. These police actions were part of a larger Europe-wide investigation and connected to previous drug seizures across Europe.

Justice

EULEX continued monitoring, mentoring and advising the Kosovo judiciary, including advising the Ministry of Justice on the drafting of laws, such as those on the Kosovo Prosecutorial Council, the Kosovo Judicial Council, the State

Prosecutor, and the new draft Criminal Procedure and Criminal Procedural Codes. EULEX considers that the Kosovo justice system is still weak.

Interference at different levels and in a variety of forms was observed. This interference, both in criminal and civil proceedings, has often resulted in practical problems, such as the refusal of local judges, prosecutors, and defence lawyers to deal with sensitive cases. The capacity of the criminal justice system to move forward with reform remained fragile and inconsistent. However, the Judicial Disciplinary Committee, composed of one local and two EULEX members, continued conducting hearings, and the Office of the Disciplinary Counsel is now fully staffed. EULEX will continue to support the Kosovo Judicial Council to improve its operational capabilities.

The vetting and reappointment process for Kosovo judges and prosecutors is progressing slowly and there is still a serious shortage of judges, especially for civil cases. There is also a major shortage of Kosovo prosecutors in the district courts and support staff are also in short supply. The quality and transparency of the legislative process needs to be significantly improved, to provide Kosovo with a sound legal framework and improve confidence in the legal system. Encouraged by EULEX, Kosovo courts started work on the approximately 20,000 to 22,000 compensation claims filed following the NATO intervention in 1999 and the riots in March 2004. On 26 May the Kosovo Judicial Institute organized a seminar at EULEX initiative to help judges share experiences and views on how to deal with these cases.

EULEX continued to encourage the Kosovo Judicial Council and the courts to find a common approach to a conflict of jurisdiction between the Kosovo courts and the Supreme Court special panels established to adjudicate conflict-related property claims. EULEX civil judges monitored, mentored and advised their local counterparts on property related cases at district and municipal levels, and in mixed panels adjudicated cases of inter-ethnic property disputes and fraudulent property transactions. Substantial work was done within the Kosovo Judicial Council on the Case Management Information System and on a court security and information project. EULEX judges issued advice to the Kosovo Judicial Council and courts on registration, evaluation, service of appeals and political interference. The use of the new Case Management Information System remains inadequate in many courts because of Internet connectivity problems. As the tender for Internet services should soon be finalized, the Kosovo Judicial Council is planning field visits to clarify any outstanding issues and to ensure full implementation of the system.

The Kosovo Correctional Service made progress in prison administration, operations and security management, high-risk prisoners, the escort of prisoners, and court security. Some Kosovo Serb staff members returned to Lipjan/Lipljan Prison and Detention Centre. The Kosovo Correctional Service, supported by EULEX, opened a refurbished high-risk security block in the Dubravë/a Prison; the allocation of prisoners to the new block will be closely monitored by EULEX. The Kosovo Correctional Service Commissioner approved standing operating procedures on court security and the job description for court security officers. In April, the EULEX Correctional Unit and Police, with the Kosovo Correctional Service and the Kosovo Police, conducted exercises to test joint responses to incidents at Dubravë/a Prison — the first such exercises since 2006. The Kosovo Correctional Service and EULEX carried out several security assessments at Dubravë/a Prison and Mitrovicë/a Detention Centre.

EULEX supported the establishment of a Kosovo Police Escort Unit for Extraditions. In June the Unit carried out its first mission, escorting a suspect from Hungary to Kosovo. With EULEX encouragement, the Kosovo Police and the prosecutors in most districts now routinely hold liaison meetings also with the Kosovo Correctional Service. With the support of the EULEX Correctional Unit, EULEX judges have been monitoring the work of the Conditional Release Panel, and taking part in three to four sessions per month; in each session approximately 10 to 15 cases are decided.

The Kosovo Correctional Service saw good progress on decentralization of the Kosovo Correctional Service budget, and further development of personal cash and canteen procedures in the prisons has been completed. The Kosovo Police attended a long awaited table-top exercise on command of serious incidents in Dubravë/a Prison, with several lessons learned by all stakeholders. Functional communication and collaboration has been established between Kosovo Correctional Service headquarters and Mitrovicë/a Detention Centre.

Using its executive mandate, EULEX launched investigations into high-priority cases, including fuel smuggling, money-laundering, and organized crime targets in the north of Kosovo. Several operations were launched jointly by EULEX Police and Customs with local counterparts, and by EULEX Police tasked by the Special Prosecution Office of Kosovo. Progress was made in a number of investigations by the Office, and the Kosovo authorities gave their full support to the establishment of an anti-corruption task force in the Office, to include 5 local and 3 EULEX prosecutors, 30 police inspectors, and 5 financial experts. The task force started to work in May and is expected to be fully staffed by July.

EULEX has continued its efforts to ensure the resumption of full operations at Mitrovicë/a District Court through the return of Kosovo Serb and Kosovo Albanian judges and prosecutors. However, progress has been only partial, and thus far EULEX judges have been presiding over cases at the Courthouse. Repairs to the Courthouse, which was damaged in a minor earthquake on 10 March, were done in cooperation with the Kosovo Judicial Council.

EULEX judges continued to adjudicate criminal and civil cases. On 12 May, EULEX judges presented their annual report for 2009, an overview of the executive activities by EULEX judges in the Kosovo courts. The report is posted on the EULEX website.

On 15 June a mixed panel of one local and two EULEX judges at Pristina District Court found Albin Kurti, the leader of the Movement for Self-Determination, guilty of participating in a group obstructing official persons in performing their duties during the demonstrations of 10 February 2007. Albin Kurti was sentenced to nine months, but was released immediately in consideration of the time already spent in detention. The prosecution, represented by a local prosecutor from the Special Prosecution Office, withdrew two of three charges, participating in a crowd committing a criminal offence, and calling for resistance. The lead up to the verdict was marked by several adjournments after the defendant failed to appear in court and the Kosovo Police did not manage to act decisively to secure his presence. Other problems, including the resignation of Albin Kurti's ex officio defence lawyer, contributed to the repeated delays.

The execution of the eviction order issued by a EULEX civil judge to uphold a decision by local judges in a property dispute between the Drenusha Hunting Club and the municipality of Viti/Vitina was eventually carried out in May and the case officially closed. During the night of 6 April the disputed building was seriously damaged by an explosion just before the eviction order was due to be executed against the municipality.

Two trials for corruption were held. A EULEX judge in Prizren Municipal Court found the defendant guilty of giving bribes to a judge of Pristina District Court. The defendant was sentenced to 12 months in prison. A EULEX judge at Klinë/Klina Municipal Court (Pejë/Peć region) found a Kosovo Police officer guilty of abuse of official position or authority, and sentenced the officer to 18 months in prison, which was suspended on condition that the accused compensate the injured party.

The Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency-related Matters summoned all of the approximately 1,400 complainants in the *Employees List (Ramiz Sadiku) vs. Privatization Agency of Kosovo* case and held 32 full days of hearings. In view of the continued shortage of local judges at the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency-related Matters and a delayed selection process, the Kosovo Judicial Council on 12 April temporarily delegated a local Supreme Court judge to the Special Chamber.

The Office on Missing Persons and Forensics prepared for and conducted assessments of suspected mass grave sites in Kosovo. Similar efforts will be assisted in Montenegro and in southern Serbia. In both of the latter instances, cooperation was excellent. EULEX has asked Albania and the former Yugoslav Republic of Macedonia to allow EULEX forensic experts to assist in the assessment of at least four potential grave sites probably containing the remains of Kosovo Albanian victims. Three field operations were conducted in the north of Kosovo.

EULEX forensic experts are assisting the Office on Missing Persons and Forensics in its aim of developing an effective and efficient strategy for the Department of Forensic Medicine, the new name and legal entity replacing the Office on Missing Persons and Forensics, and improving the delivery of professional forensic services to the judiciary and Kosovo citizens. After some delay, the Ministry of Justice began the selection process for the post of director of the Department of Forensic Medicine in early June. This delay has prevented progress on the planned reforms of the organization.

The Office on Missing Persons and Forensics conducted 32 site assessments and 12 exhumations. On 12 May the Office on Missing Persons and Forensics exhumed the remains of eight missing persons in Vushtrri/Vučitrn municipality. All in all, 23 missing persons were found between 15 March and 30 June 2010. The Office on Missing Persons and Forensics also conducted autopsies, forensic clinical examinations, death scene investigations and 23 war case autopsies. Bone samples were sent for DNA analysis for profiling; 164 DNA results were received. In 43 instances remains were handed over to families and several coordination meetings were held with family associations.

Customs

EULEX Customs monitored, mentored and advised the Kosovo Customs Service at border and boundary crossing points — with the exception of gates 1 and 31 — and at Pristina Airport. Closed-circuit television cameras at gates 1 and 31 have been operating since the end of February and transmitting live images to Kosovo Customs and EULEX. Since March EULEX has transmitted scanned (instead of photocopied) documents received at gates 1 and 31 through an automated system. The data is shared with the Kosovo Customs and the Serbian Customs Administration.

Under the lead of local institutions a series of joint actions of the Kosovo Customs, the Kosovo Police and EULEX Police and Customs took place at Pristina Airport. The actions focused on identifying potential illegal activity in relation to the import and the export of large amounts of cash. Reinforced joint police and customs law enforcement controls in the north of Kosovo were launched by EULEX with local counterparts on 19 March, consisting of enhanced checks of vehicles and cargo crossing gates 1 and 31, aimed at contributing to the rule of law and strengthening EULEX visibility. Apart from an attack on a EULEX vehicle on 13 March and some very short-lived roadblocks, the action proceeded without incident. On 5 April the operation changed to a twenty-four-hours-a-day, seven-days-a-week schedule; and as of 24 April, mobile vehicle checks have been taking place on the main roads coming from gates 1 and 31.

The EULEX Customs component provided advice to Kosovo Customs and the Ministry of Finance and Economy, on, inter alia, the replacement of their data processing system, the proposed installation of communications towers at border and boundary crossing points, the implementation of the Kosovo Customs Business Intelligence system, the improvement of integrated border management implementation, and reform of the Kosovo Customs human resources system.

There has been little progress as regards the Independent Review Board, which is an appeals board for Customs decisions. The Kosovo Assembly rejected seven out of nine candidates for Board membership. On 2 July, the Kosovo authorities approved a list of new names for the Board to be proposed to the Kosovo Assembly. EULEX has urged the Kosovo authorities to complete the appointment process, handle the backlog of pending cases as a matter of urgency, and initiate inter-ministerial discussions as to the long-term reform of the Board.

The restoration of full customs control in northern Kosovo, however, remains subject to agreement between stakeholders on the collection of customs duties and the distribution of revenues.

Approved by Yves **de Kermabon**
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2010)

Country	*Number*
Germany	1
Ghana	1
Italy	1
Turkey	1
Romania	1
Pakistan	1
Total	6

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2010)

Country	Number
Denmark	1
Poland	1
Norway	1
Spain	1
Ukraine	2
Romania	1
Czech Republic	1
Total	**8**

UNMIK
July 2010
Operational boundary
International boundary
Provincial boundary
National capital
Republic capital or provincial capital
Town, village
Mountain pass
Major road
Secondary road
Railroad
0 5 10 15 20 25 km
0 5 10 15 mi
SERBIA
MONTENEGRO
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
Kosovo
HQ Regional
MLT North
Kosovska Mitrovica
HQ UNMIK
HQ MLC
MLT
Priština
Skopje
UNMIK HQ
Military Liaison Component HQ
Military Liaison Team
UNMIK perimeter of operations
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.